

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

FEB 08 2010

IN THE MATTER OF THE APPEAL OF)
SUBLETTE COUNTY FROM THE)
FINAL DETERMINATION FOR)
REQUIREMENT OF AN ENGINEERED)
CONTAINMENT SYSTEM)
MARBLETON #2 LANDFILL)

Docket No. 09-5601

Jim Ruby, Executive Secretary
Environmental Quality Council

JOINT REQUEST FOR CONTINUANCE

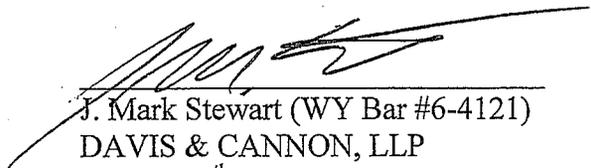
The Wyoming Environmental Quality Council's (EQC) September 17, 2009 "Scheduling Order" in the above-captioned matter set a prehearing conference for February 26, 2010 and set the final hearing for March 11-12, 2010. Petitioner Sublette County and Respondent Wyoming Department of Environmental Quality (DEQ), the only parties in this contested case, have now filed a "Settlement Agreement" and "Joint Stipulation for Disposition and Dismissal of Appeal" which requests the EQC to enter an Order approving, incorporating, and binding the parties to their settlement agreement and dismissing Sublette County's appeal in EQC Docket No. 09-5601.

Chapter I, Section 11 of the DEQ Rules of Practice & Procedure provides for disposition of contested cases by stipulation or agreed settlement upon approval of the EQC. The next scheduled EQC meeting coincides with the March 11-12, 2010 final hearing in this case. Continuing the prehearing conference and the final hearing until a future date to be determined after the EQC acts on the parties' settlement agreement and joint stipulation for disposition and dismissal of appeal will spare the parties from having to expend the time and resources to prepare for an evidentiary hearing on March 11-12, 2010 that will be unnecessary and vacated if the EQC approves the settlement agreement and joint stipulation. Chapter I, Section 10 of the DEQ Rules of Practice & Procedure provides that the EQC may grant a continuance for good cause.

WHEREFORE, the Sublette County and DEQ respectfully request that the EQC enter an Order continuing the prehearing conference and the final hearing until a future date to be determined after the EQC acts on the parties' "Settlement Agreement" and "Joint Stipulation for Disposition and Dismissal of Appeal."

DATED this 8th day of February, 2010.

FOR PETITIONER SUBLETTE
COUNTY:



J. Mark Stewart (WY Bar #6-4121)
DAVIS & CANNON, LLP
422 W. 26th Street
P.O. Box 43
Cheyenne, Wyoming 82003
307-634-3210

FOR RESPONDENT DEQ:



Mike Barrash (WY Bar #5-2310)
Wyoming Attorney General's Office
123 Capitol Building
Cheyenne, Wyoming 82002
307-777-6946

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE APPEAL OF)
SUBLETTE COUNTY FROM THE)
FINAL DETERMINATION FOR) Docket No. 09-5601
REQUIREMENT OF AN ENGINEERED)
CONTAINMENT SYSTEM)
MARBLETON #2 LANDFILL)

ORDER GRANTING CONTINUANCE

The Wyoming Environmental Quality Council's (EQC) September 17, 2009 "Scheduling Order" in the above-captioned matter set a prehearing conference for February 26, 2010 and set the final hearing for March 11-12, 2010. Petitioner Sublette County and Respondent Wyoming Department of Environmental Quality (DEQ), the only parties in this contested case, have now filed a "Settlement Agreement" and "Joint Stipulation for Disposition and Dismissal of Appeal" which requests the EQC to enter an Order approving, incorporating, and binding the parties to their settlement agreement and dismissing Sublette County's appeal in EQC Docket No. 09-5601. Chapter I, Section 11 of the DEQ Rules of Practice & Procedure provides for disposition of contested cases by stipulation or agreed settlement upon approval of the EQC.

The next scheduled EQC meeting coincides with the March 11-12, 2010 final hearing in this case. Sublette County and DEQ have filed a joint request for continuance. Chapter I, Section 10 of the DEQ Rules of Practice & Procedure provides that the EQC may grant a continuance for good cause. The EQC finds that good cause exists to continue the prehearing conference and the final hearing until a future date to be determined after the EQC acts on the parties' settlement agreement and joint stipulation for disposition and dismissal of appeal.

THEREFORE, IT IS ORDERED that:

The prehearing conference and the final hearing in this case are continued until a future date to be determined after the EQC acts on the parties' "Settlement Agreement" and "Joint Stipulation for Disposition and Dismissal of Appeal."

DATED this ____ day of February, 2010.

Presiding Officer